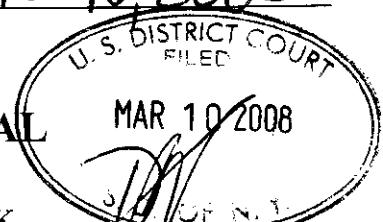


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKDocument # 5Poole

-v-

USA

U.S.C.A. # \_\_\_\_\_

U.S.D.C. # 08-cv-1123JUDGE: KMWDATE: MAR. 10 2008

## INDEX TO THE RECORD ON APPEAL

PREPARED BY (NAME): THOMAS R. PISARCYK  
 FIRM: U.S. DISTRICT COURT - SOUTHERN DISTRICT OF NEW YORK  
 ADDRESS: 500 PEARL STREET, ROOM 370  
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## DISTRICT COURT DOCKET ENTRIES -----

DOCUMENT DESCRIPTION DOC. #CLERK'S CERTIFICATESEE ATTACHED LIST OF NUMBERED DOCUMENTS Original Record Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A  
 for the Second Circuit on the 10/11 Day of March, 2008.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

Boole

-V-

USA

U.S.C.A. # \_\_\_\_\_

U.S.D.C. # 08-1123

JUDGE: KMW

DATE: MAR. 10, 2008

## **Clerk's Certificate**

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 4, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

### Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York,  
this 10th Day of March In this year of our Lord, Two Thousand and Eight, and the Independence of  
the United States this 232<sup>ND</sup> year.

**J. Michael McMahon, Clerk**

By

Deputy Clerk

APPEAL, CLOSED, HABEAS

**U.S. District Court**  
**United States District Court for the Southern District of New York (Foley Square)**  
**CIVIL DOCKET FOR CASE #: 1:08-cv-01123-KMW**  
**Internal Use Only**

Poole v. United States of America  
Assigned to: Judge Kimba M. Wood  
Cause: 28:2241 Petition for Writ of Habeas Corpus (federal)

Date Filed: 02/04/2008  
Date Terminated: 02/04/2008  
Jury Demand: None  
Nature of Suit: 530 Habeas Corpus (General)  
Jurisdiction: Federal Question

Date Filed	#	Docket Text
02/04/2008	1	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2241..Document filed by Rodwell Poole.(mbe) (Entered: 02/13/2008)
02/04/2008		Magistrate Judge Kevin N. Fox is so designated. (mbe) (Entered: 02/13/2008)
02/04/2008	2	ORDER OF DISMISSAL, Petitioner brings this petition for habeas corpus under 28 U.S.C. 2241 pro se. The Clerk of Court is directed to assign a docket number to this action. The Court dismisses the petition for the following reasons. Because petitioner does not allege that his petition is timely, and because it was not pending on May 11, 2005, the date that Congress enacted the Real ID Act, this court is not authorized to transfer it to the Second Circuit, and it must be dismissed. Accordingly, the application is dismissed. As petitioner has not made a substantial showing of the denial of a constitutional right, the Court declines to issue a certificate of appealability. The Court certifies pursuant to 28 U.S.C. 1915(a)(3). We that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 2/4/2008) (mbe) (Entered: 02/13/2008)
02/04/2008	3	JUDGMENT. Ordered, Adjudged and Decreed: That the petition is hereby dismissed.... a certificate of appealability will not issue.... We certify pursuant to 28 U.S.C. 1915(a) that any appeal from the Court's order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 2/4/2008) (mbe) (Entered: 02/13/2008)
03/04/2008	4	NOTICE OF APPEAL from 2 Order Dismissing Petition. Document filed by Rodwell Poole. Copies mailed to attorney(s) of record: A.U.S.A. (tp) (Entered: 03/06/2008)
03/04/2008		Appeal Remark as to 4 Notice of Appeal filed by Rodwell Poole. \$455.00 APPEAL FEE DUE. IFP REVOKED 2/4/08. COA DENIED 2/4/08. (tp) (Entered: 03/06/2008)
03/06/2008		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: 4 Notice of Appeal. (tp) (Entered: 03/06/2008)
03/06/2008		Transmission of Notice of Appeal to the District Judge re: 4 Notice of Appeal. (tp) (Entered: 03/06/2008)